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PATENT

Docket No. 11245/48601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Teufel, T.
Serial No. : 09/635,974
Filing Date : August 9, 2000
For : TREATMENT OF HYPERPROLIFERATIVE
DISEASE WITH EPIDERMAL GROWTH FACTOR
RECEPTOR ANTAGONISTS
Examiner : J. E. Hunt
Art Unit : 1642

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January 18, 2002.
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RESPONSE TO RESTRICTION REQUIREMENT PURSUANT TO 37 C.F.R. §1.143

This is in response to the Restriction Requirement mailed December 18, 2001 which set a one month period for response. Accordingly, this response is being timely filed. In accordance with the provisions of 37 C.F.R. §1.143, Applicant elects with traverse the invention of Group I, Claims 1-7, drawn to a method of treating a mammal using an EGFR antagonist and the following species: EGFR/HER from the members of the EGFR family, EGF from the members of ligands that stimulate EGFR, an antibody from the types of antagonists, and psoriasis from the types of hyperproliferative diseases

REMARKS

In the requirement for restriction, Applicant was required to elect one of the following groups of invention:

- I. Claims 1-7, drawn to a method of treating a mammal using an EGFR

antagonist;

- I. Claims 8-21, drawn to a method of treating a mammal using an EGFR antagonist and phototherapy;
- II. Claims 22-38, drawn to method of treating a mammal using an EGFR antagonist and chemotherapy; and
- III. Claims 39-43, drawn to a method of treating a mammal comprising administering an EGFR antagonist and phototherapy and chemotherapy.

Upon election of any of Groups I-IV, applicant was further required to elect a single species from the following categories of species:

- I. Members of the EGFR family, for example, EGFR/HER1, EGFR/HER2, EGFR/HER3, or EGFR/HER4;
- II. Members of ligands, for example, EGF, TGF-alpha, heparin-binding growth factor (HBGF), β -cellulin, and Cripto-1 (listed at page 4, lines 9-13 of the Specification)
- III. Types of antagonists: an antibody, a defective receptor, a small molecule; and
- IV. Types of hyperproliferative disorders, for example, psoriasis, actinic keratoses, seborrheic keratoses, warts, scars, eczema, and hyperproliferative diseases caused by virus infections, e.g. papilloma virus infection, (listed at page 4, lines 14-23 of the Specification)

Applicant provisionally elects, with traverse, to prosecute the subject matter of Group I, Claims 1-7, and the EGFR species of EGFR/HER1, the ligand species of EGF, an antibody as a type of antagonist, and psoriasis as a type of hyperproliferative disorder and reserves the right to file a divisional application directed to the non-elected subject matter.

This election is made with traverse because even though the claims of Groups I to IV may be considered by the Examiner as patentably distinct from one another it is believed that the claims are sufficiently related to be properly presented in a single application. The methods of Groups I-IV all use an EGFR antagonist for treating mammals. Given the commonality of the subject matter, examination of all the claims does not place a serious search burden upon the Examiner.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

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Dated: January 18, 2002

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